

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82244 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- INARWA District- West Champaran

1. Gandhi Tiwari, Son of Late Bikram Tiwari Resident of Village-Senuaria, P.S.-Inarwa, District-West Champaran.
2. Sonu Tiwari Son of Sri Gandhi Tiwari Resident of Village-Senuaria, P.S.-Inarwa, District-West Champaran.
3. Vicky Tiwari Son of Sri Gandhi Tiwari Resident of Village-Senuaria, P.S.-Inarwa, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ramchandra Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 26-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Inarwa P.S. Case no. 31 of 2019, registered under Sections 147, 323, 325, 354, 379, 307 and 504 of the Indian Penal Code.

The accusation is that in the evening of 04.05.2019 scuffle started in between children then informant Nagendra Giri tried to pacify the dispute in between children. At that time, petitioners Gandhi Tiwari, Sonu Tiwari, Vicky Tiwari along with Mintu Tiwari and Bitul Tiwari variously armed with



weapons came there. Thereafter, on the order of Gandhi Tiwari (Petitioner No.1), Mintu Tiwari gave Farsa blow at his head then he fell down. Thereafter, all started to cause assault through Lathi and Fatha. When his father and brother rushed to save him then Sonu Tiwari (Petitioner No.2) caused fracture injury through lathi. At that time, Vicky Tiwari (Petitioner No.3) snatched gold chain and Rs. Five thousand from the informant.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner No.1 Gandhi Tiwari is only order giver and allegation against petitioner No.3 Vicky Tiwari is only to snatch gold chain and cash of Rs. 5000/- from the informant, while allegation against petitioner No.2 Sonu Tiwari is to cause injury through Lathi at Makardhawaj Giri, father of informant, in his hand, is not on vital part, but the same is said to be grievous in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 1 and 3, namely, Gandhi Tiwari and Vicky Tiwari, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Inarwa P.S. Case No. 31 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as pre-arrest bail of petitioner no.2 Sonu Tiwari is concerned, considering the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant pre-arrest bail to the petitioner No.2 Sonu Tiwari. Accordingly, his prayer for grant of pre-arrest bail stands rejected.

(Rajendra Kumar Mishra, J)

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